

111TH CONGRESS
1ST SESSION

S. 1704

To hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2009

Mr. NELSON of Florida (for himself, Ms. SNOWE, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “World War II War
5 Crimes Accountability Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Surviving Nazi war criminals are becoming
2 increasingly rare.

3 (2) The identities of many of the remaining
4 criminals were made known only after the end of the
5 Cold War and the collapse of Communist govern-
6 ments throughout eastern Europe.

7 (3) In most of these formerly communist coun-
8 tries, the volume of available information is enor-
9 mous, and the available resources to study it and
10 identify war crimes suspects is comparatively small.

11 (4) In the United States, the Office of Special
12 Investigations (OSI) of the Department of Justice is
13 responsible for detecting, investigating and taking
14 legal action to denaturalize or deport persons who
15 took part in Nazi-sponsored acts of persecution com-
16 mitted abroad between 1933 and 1945.

17 (5) As of April 2009, OSI had successfully
18 prosecuted more than 107 people involved in Nazi
19 war crimes who were residing in the United States.

20 (6) As a government office with limited re-
21 sources, OSI is under enormous strain to identify
22 and prosecute those criminals identified by newly re-
23 leased records before it is too late.

24 (7) Some foreign governments hinder the ef-
25 forts of OSI, Congress, and the United States Gov-

ernment to extradite or deport convicted Nazi war criminals from the United States to their country of origin or other relevant jurisdiction.

(8) Certain nongovernmental organizations have been instrumental in the search for wanted Nazi war crimes suspects for over 60 years.

(9) Simon Wiesenthal, a survivor of the Nazi death camps whose work stands as a reminder and a warning for future generations, dedicated his life to—

(A) documenting the crimes of the Holocaust; and

(B) hunting down the perpetrators still at large.

(10) As founder and head of the Jewish Documentation Center in Vienna, Simon Wiesenthal successfully brought to justice wanted Nazi war criminals, including Franz Stangl, the commandant of the Treblinka death camp.

(11) Mr. Wiesenthal's work, which contributed enormously to the modern understanding of justice, war crimes, and crimes against humanity, should be continued.

(12) In 2002, the Simon Wiesenthal Center, in collaboration with the Targum Shlishi Foundation of

1 Miami, Florida, launched Operation: Last Chance to
2 maximize the identification and help facilitate the
3 prosecution of the remaining unprosecuted Nazi war
4 criminals, helping to achieve justice for the victims
5 of the Holocaust.

6 (13) Of the most guilty Nazis and Nazi collabo-
7 rators still at large, Operation: Last Chance has
8 identified the following suspects:

9 (A) Dr. Aribert Heim, who served as a
10 medical doctor at the Sachsenhausen, Buchen-
11 wald, and Mauthausen concentration camps, is
12 the most wanted ex-Nazi still at large. His most
13 terrible crimes were committed at Mauthausen,
14 where he murdered hundreds of inmates by ad-
15 ministering lethal injections of phenol to their
16 hearts or by other torturous killing methods
17 during the fall of 1941. Press reports indicate
18 that he may have died in Cairo, Egypt in 1992,
19 but serious doubts remain about the veracity of
20 that information. If he is alive, his current
21 whereabouts are unknown.

22 (B) Dr. Sandor Képiró, who served as an
23 officer in the Hungarian gendarmerie, was 1 of
24 several Hungarian officers convicted in 1944
25 for the mass murder of several thousand civil-

1 ians (mostly Jews) in the city of Novi Sad on
2 January 23, 1942. In the wake of the occupa-
3 tion of Hungary in March 1944, he was par-
4 doned, promoted, and returned to active service.
5 He escaped to Austria in 1945, fled to Argen-
6 tina in 1948, and returned to Hungary in 1996.

7 (C) Milivoj Asner, who served as the police
8 chief of the city of Slavenska Pozega. During
9 1941 and 1942, Mr. Asner orchestrated the
10 robbery, persecution and destruction of the local
11 Serb, Jewish and Gypsy communities, which
12 culminated in the deportation of hundreds of ci-
13 vilians to Ustasha concentration camps, where
14 most of the deportees were murdered. After his
15 exposure in Operation: Last Chance, the former
16 police chief later escaped once again to
17 Klagenfurt, Austria, where he currently resides.

18 (D) Charles Zentai is accused of mur-
19 dering 18-year-old Peter Balazs, a Jewish boy
20 he caught riding a Budapest tram without the
21 requisite yellow star on November 8, 1944.
22 Zentai was able to immigrate to Australia in
23 February 1950, where he currently lives. Hun-
24 gary is seeking his extradition.

1 (E) Algimantas Dailide, who volunteered
2 for Lithuania's secret police, Saugumas, ar-
3 rested 10 Jews and 2 Poles, including women
4 and children, who were attempting to escape
5 from the Vilnius ghetto in October 1941 and
6 turned them over to the Nazis for likely execu-
7 tion. After Mr. Dailide's deportation from the
8 United States to Germany, the Lithuanian
9 courts convicted him for his crimes in 2006, but
10 refused to imprison him on medical grounds.
11 He currently resides in Kirchberg, Germany.

12 (F) Harry Mannil is accused of playing a
13 role in the death of at least 7 Jews and Com-
14 munists while serving in the Estonian police in
15 1941 and 1942 during the Nazi occupation of
16 Estonia. Although Estonian prosecutors have
17 claimed on multiple occasions, most recently in
18 2006, that they had uncovered no evidence
19 proving Mr. Mannil's guilt of war crimes, they
20 discovered that the 7 people he interrogated
21 were later executed. Mr. Mannil is living in
22 Venezuela and is barred from entering the
23 United States.

24 (G) Mikhail Gorshkow is alleged to have
25 been an interrogator for the Nazi Gestapo and

1 is accused of helping kill about 3,000 men,
2 women, and children in the Slutsk ghetto in
3 Minsk, Belarus. He was stripped of his United
4 States citizenship and ordered deported for con-
5 cealing his wartime service for the Nazis. He is
6 under investigation in Estonia.

7 (H) Alois Brunner, a key operative of
8 Adolf Eichmann, was responsible for the depor-
9 tation of 47,000 Jews from Austria, 44,000
10 Jews from Greece, 23,500 Jews from France,
11 and 14,000 Jews from Slovakia to Nazi death
12 camps. He lived in Syria for decades and the
13 Syrian government refused to cooperate with
14 international prosecution efforts. He was con-
15 victed in absentia for his crimes by France. He
16 was born in 1912 and last seen in 2001. While
17 is it doubtful that he is still alive, there is no
18 conclusive evidence of his death.

19 **SEC. 3. SENSE OF THE SENATE.**

20 It is the sense of the Senate that—

21 (1) the United States should actively encourage
22 extradition and prosecution of the remaining Nazi
23 war criminals (as described in section 212(a)(3)(E)
24 of the Immigration and Nationality Act (8 U.S.C.
25 1182 (a)(3)(E)));

1 (2) the Simon Wiesenthal Center should be
2 commended for its historic work in bringing to light
3 the atrocities of the Holocaust and in advancing jus-
4 tice for Nazi war criminals through Operation: Last
5 Chance; and

6 (3) the Office of Special Investigation of the
7 Department of Justice is advancing the declared for-
8 eign policy of the United States by bringing wanted
9 World War II criminals to justice and should be
10 commended for its actions.

11 **SEC. 4. DESIGNATION OF VISA WAIVER PROGRAM COUN-**
12 **TRIES.**

13 (a) COOPERATION.—After a country is initially des-
14 ignated as a visa waiver program country under section
15 217(c) of the Immigration and Nationality Act (8 U.S.C.
16 1187(c)), the Attorney General, in evaluating the effect
17 that such designation would have on the law enforcement
18 and security interests of the United States under para-
19 graph (2)(C) of such section, shall consider the extent to
20 which such country is cooperating in—

21 (1) extraditing or prosecuting wanted or in-
22 dicted Nazi war criminals to the relevant jurisdic-
23 tion; and

24 (2) admitting into their territory aliens de-
25 scribed in section 212(a)(3)(E)(i) and ordered re-

1 moved from the United States by a United States
2 immigration judge, the Board of Immigration Ap-
3 peals, or a Federal court.

4 (b) PRESIDENTIAL DISCRETION.—

5 (1) IN GENERAL.—If the President determines
6 that it would not be in the national interest of the
7 United States to terminate a country’s designation
8 as a visa waiver program country based on the eval-
9 uation under subsection (a), the President may de-
10 cline to terminate such designation after providing
11 advance written notification to—

12 (A) the Committee on Foreign Relations of
13 the Senate;

14 (B) the Committee on the Judiciary of the
15 Senate;

16 (C) the Committee on Foreign Affairs of
17 the House of Representatives; and

18 (D) the Committee on the Judiciary of the
19 House of Representatives.

20 (2) CONTENTS.—In providing notification
21 under paragraph (1), the President shall—

22 (A) identify each crime suspect described
23 in subsection (a)(2) whose admission has not
24 been effected; and

1 (B) submit copies of all decisions rendered
2 by United States immigration judges, the
3 Board of Immigration Appeals, and Federal
4 courts that relate to such crime suspects.

5 **SEC. 5. ANNUAL REPORT.**

6 In each of the fiscal years 2010 through 2014, the
7 President shall submit an annual report to the committees
8 listed in section 4(b)(1), which describes, for each country
9 that has a pending application for entry into or renewal
10 of the visa waiver program, whether such country is—

11 (1) cooperating satisfactorily in extraditing or
12 deporting wanted Nazi war crimes suspects to the
13 jurisdiction in which they have been indicted or con-
14 victed;

15 (2) prosecuting wanted Nazi war crimes sus-
16 pects effectively within such country's jurisdiction;
17 and

18 (3) cooperating satisfactorily in admitting to
19 the territory of such country aliens described in sec-
20 tion 212(a)(3)(E)(i) and ordered removed from the
21 United States territory by a United States immigra-
22 tion judge, the Board of Immigration Appeals, or a
23 Federal court.

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